

REMARKS

I. STATUS OF THE CLAIMS

Claims 1, 3, 5-28, and 30-35 were pending in the present application, prior to this amendment. Claims 1, 3, 5-28, 30-32, 34, and 35 were rejected by the recent Office Action. Claim 33 was objected to. Applicant thanks the Examiner for indicating that claim 33 would be allowable if rewritten in independent form.

By this amendment, claims 1, 3, 5-28, and 30-32 are canceled without prejudice. Claims 33-35 are amended. Claim 33 is amended to be written in independent form. New claims 36-41 are added. No new matter is presented by this amendment.

II. INFORMATION DISCLOSURE STATEMENT

According to the Office Action mailed April 20, 2005, the following references contained in the Information Disclosure Statement filed on January 19, 2005 were not considered because the complete references were not submitted in English and/or no relevance was stated: JP 10-122541 (05/1998); JP 9-290234 (11/1997); and DE 8601942 (02/1988).

III. OBJECTIONS

A. Drawings

The amendment filed on January 19, 2005 was objected to for introducing new matter, namely Figure 5, into the disclosure. Figure 5 illustrates, *inter alia*, a method wherein diverting a third portion of the fly ash to the first combustion unit occurs before completion of combusting the second portion of the fly ash in the second combustion unit. This is supported by original claim 33, which read:

33. The method of claim 31, further comprising diverting a third batch of fly ash to the first processing unit before processing of the second batch of fly ash is completed.

It is well established that the claims as filed in the original specification are part of the disclosure and, therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985); MPEP §2163.06. Given that Figure 5 is supported fully by original claim 33, it is requested respectfully that this objection be withdrawn.

B. Claims

Claim 30 was objected to under 35 USC §112 for failing to comply with the written description requirement. Claim 30 is canceled hereby. As such, it is submitted that this objection is obviated and should be withdrawn.

III. CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 3, 5, 13, 14, 19-22, 25, 26, 31, 32, 34, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,992,336 to *Ramme et al.* Claims 1, 3, 5, 7-10, 12-14, 16, 17, 19-24, 26, 31, 32, 34, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by JP S58-85011.

Claims 1, 3, 5, 13, 14, 19-22, 25, 26, 31, and 32 are canceled hereby, without prejudice. Claims 34 and 35 are amended to depend from amended claim 33, which was indicated as allowable. It is submitted that neither *Ramme et al.* nor S56-85011 teach or suggest the invention as claimed in claim 33 and its associated dependent claims 34 and 35. As such, it is requested that this rejection be withdrawn.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, claims 11 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP358085011 to *Kawashima* in view of U.S. Pat. No. 3,877,397 to *Davies*. Claims 6, 15, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawashima* in view of U.S. Pat. No. 6,338,306 to *Perrone*. Claims 6, 11,

15, 18, 27, and 28 are canceled hereby without prejudice. As such, it is submitted that this rejection is obviated and should be withdrawn.

V. ALLOWABLE SUBJECT MATTER

Claim 33 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 33 is rewritten hereby in independent form. As such, it is believed that claim 33 is now in condition in for allowance.

VI. NEW CLAIMS

New claims 36-41 are presented by this amendment. It is believed that new claims 36-41 are allowable in that none of the cited references teach the methods and systems disclosed therein.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the various objections and rejections set forth in the Office Action of April 20, 2005 have been addressed and overcome. Applicants further respectfully assert that all pending claims 33-41 are in condition for allowance and request that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned at (404) 879-2437 is courteously solicited.

Respectfully submitted,



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